

### **REMARKS**

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed June 12, 2009. Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 13, 18, 28 and 32 have been amended. Accordingly, Claims 13-32 will remain pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

### **Drawings**

On page 2 of the Detailed Action, the Examiner objected to the drawings under 37 C.F.R. § 1.84(p)(4). Specifically, the Examiner alleged that “reference character ‘10’ has been used to designate both the trim panel and the support part.” This objection is unclear to Applicants. Applicants note that the specification of present Application uses the terms “trim panel” and “bracing part” interchangeably (see, e.g., paragraph [0035]) and states that the “trim panel” provides of the function of a “support part” (see, e.g., paragraph [0028]). As such, as used in the present Application, “trim panel,” “bracing part” and “support part” all refer to the same structure. Applicants believe that in each of the Figures that includes reference character “10” (i.e., Figures 2 and 3-8), reference character “10” is always referring to the same structure. If the Examiner has identified an instance where reference character “10” is not being used in this manner, Applicants respectfully ask the Examiner to specifically identify the Figure in which the discrepancy appears. Otherwise, Applicants respectfully request withdrawal of the objection to the drawings under 37 C.F.R. § 1.84 (p)(4).

### **Claim Rejections – 35 U.S.C. § 102(b)**

On pages 2-3 of the Detailed Action, the Examiner rejected Claims 13-32 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,973,105 to Itou (“Itou”). This

rejection should be withdrawn because Itou fails to disclose, teach or suggest the claimed invention.

For example, independent Claim 13 (as amended) recites a “trim panel for use with a vehicle seat” comprising, among other elements, a “a support part attachable to the seat component, the support part having a first portion configured to support [a] seat cushion and a second portion configured to substantially conceal at least the first part of the seat substructure” (emphasis added).

Also, independent Claim 18 (as amended) recites an “vehicle seat” comprising, among other elements, a “trim panel attached to the seat component, wherein the trim panel is displaceable with the seat component, [and] provides support to [a] seat cushion” (emphasis added).

Further, independent Claim 28 (as amended) recites a “vehicle seat” comprising, among other elements, a “trim panel displaceable with the seat component and downwardly extending therefrom, the trim panel provides support to the seat cushion and is configured to substantially conceal the first part of the seat substructure” (emphasis added).

Itou fails to disclose, teach or suggest such a trim panel or vehicle seat. In contrast, Itou discloses a vehicle seat having a “side covering member 6” made of cloth (col. 4, lines 6-7). The cloth has an upper edge that is sewn together with a “covering member 13” of the seat cushion (col. 5, lines 7-12) and a lower edge that gets stretched over a “support plate 7” of an “auxiliary frame 8,” which also includes “vertical end parts 83” (col. 5, lines 25-30). From Figure 8 of Itou, it is clear that neither “side covering element 6” nor any portion of the “auxiliary element 8” (e.g., the “support plate 7” and/or the “vertical end parts 83”) provide any support to the “foam cushion member 12.” The only support provided for the “foam cushion member 12” is the “seat cushion frame 11” in combination with the “covering member 13.” As such, Itou does not disclose, teach or suggest a support part or trim panel that can both support a seat cushion and conceal a part of the seat substructure as now required by independent Claims 13, 18 and 28. Support for this subject matter can be found in the present Application, for example, in paragraph

[0035] which recites “[a]ccording to the invention, it is advantageously possible by means of the trim panel 10 for the seat cushion 31 to obtain a good support or a good base which, in particular when a person gets into or out of the vehicle, constitutes a stable substructure and prevents the seat cushion 31 or the seat foam 31 from tilting.” Additional support for this subject matter can be found in the present Application, for example, in Figure 6, which shows the “trim panel 10” having a first portion for supporting the seat cushion 31 and a second portion for concealing the “first part 25” of the “seat substructure 2.”

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claims 13, 18 and 28 because at least one element of such claims is not disclosed, taught or suggested by Itou. Applicants submit that Claims 14-17, as they depend from Claim 13, Claims 19-27, as they depend from Claim 18, and Claims 29-32, as they depend from Claim 28, are allowable therewith at least because of their dependency, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of the rejection of Claims 13-32 is respectfully requested.

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Applicants respectfully submit that each and every pending rejection has been overcome, and that the present Application is in a condition for allowance. In particular, even when the elements of Applicants’ claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the Application is respectfully requested.

Further, Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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